

AFFIDAVIT OF SPECIAL AGENT BRYCE MONTOYA
IN SUPPORT OF A CRIMINAL COMPLAINT

I, Bryce Montoya, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since May 2018 and I am currently assigned to the Boston Division, Lakeville Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to, among other things, the online sexual exploitation of children.
2. This affidavit is submitted in support of a criminal complaint charging JABARIE PHILLIPS, a/k/a Jabarie Lindsey ("PHILLIPS"), YOB 1977, of Washington State with sexual exploitation of children, in violation of 18 U.S.C. §§ 2251(a) and (e).
3. The statements contained in this affidavit are based upon my personal observations, training and experience, and review of relevant records related to this investigation, as well as information provided to me by other local and state law enforcement officers involved in this investigation.
4. This affidavit is submitted for the limited purpose of establishing probable cause to secure a criminal complaint. In submitting this affidavit, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

STATEMENT OF PROBABLE CAUSE

5. On May 2, 2019, the FBI Boston, Lakeville RA received information from the Fall River Police Department regarding a 14 year old girl, identified as MINOR A (YOB 2005), who had been reported as missing by her mother.

6. The investigation showed that on May 1, 2019, MINOR A had been picked up by an Uber driver in Fall River, MA, and dropped off at Boston Logan Airport. Video surveillance obtained from Boston Logan Airport shows MINOR A embracing a black adult male, later identified as PHILLIPS. Thereafter, investigators located a cab driver who stated that MINOR A and PHILLIPS were dropped off at South Station in Boston. Greyhound Lines, Inc. documents show that MINOR A and PHILLIPS purchased bus tickets as reservation number 26765211, passenger numbers 30 and 29, respectively, with a final destination of Seattle, WA. They boarded bus number 2025 at approximately 8:01pm on May 1, 2019.
7. Law enforcement located PHILLIPS's public Facebook profile, "Jabarie Phillips," which included the following: "just got released Monday after doing a 12 year bid in prison. Looking to find a good time. Need money." Information in PHILLIPS's Facebook profile also states that he is from Seattle, Washington, and lives in Washington. The image on PHILLIPS's Facebook profile appeared to match the individual pictured in the airport surveillance footage of PHILLIPS with MINOR A.
8. Itinerary information from Greyhound showed that bus number 2025 would be making a scheduled stop in Minneapolis, Minnesota at approximately 5:15pm on May 3, 2019. When the bus made its scheduled stop, PHILLIPS was arrested based on two warrants, one out of Washington State for a probation violation, and another out of Massachusetts for kidnapping.
9. A review of PHILLIPS's criminal record shows that he was recently released from prison after serving a sentence for a 2008 Class A felony conviction for manslaughter. He also has multiple other arrests and charges relating to domestic violence and resisting arrest, and a 1996 Class A felony conviction for robbery.

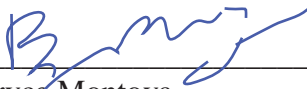
10. On May 3, 2019, following PHILLIPS's arrest, MINOR A was interviewed. Among other things, she stated that she had been in communication with PHILLIPS, via Facebook and video chat, for approximately two months prior to meeting him on May 1, 2019. MINOR A confirmed that PHILLIPS was aware that she was 14 years old. MINOR A also stated that while they were on the bus together, she performed oral sex on PHILLIPS and he also asked to have intercourse.
11. During the course of the investigation, law enforcement obtained records from Facebook regarding the account used by MINOR A to communicate with PHILLIPS. Based on a review of those records, it appears that MINOR A and PHILLIPS begin communicating on April 23, 2019.
12. A review of the messages corroborates information received from MINOR A, above, that PHILLIPS knew that she is 14. For example, in a Facebook exchange on April 23, 2019, MINOR A wrote, "Are you hearing yourself you got out the joint after doing 12 years, and now u tryna fw¹ a 14 year old? U tryna do 12 more?" Also on April 23, 2019, PHILLIPS later provided her with his age, 41, and subsequently asked, "What month was you born in." MINOR A responded with her full date of birth, including her year of birth, 2005.
13. In a Facebook exchange on April 23, 2019, PHILLIPS asked MINOR A to "shift the camera down some more so I can see what's between those thighs." PHILLIPS also asked, "can you pull your pants down and show me what it looks like," and "Why don't you turn around and bless me with that ass."

¹ Based upon my training and experience, I know that in this context "fw" stands for "fu*k with."

14. In another Facebook exchange on April 23, 2019, PHILLIPS requested that MINOR A “send me something I can beat my dick to.” PHILLIPS also asked “Do u masterbate” and then later stated, “I just want to watch you masterbate is all I’m saying, you masterbate right? What’s wrong with letting me watch don’t take offense!![]” and “I wouldn’t ask nobody else to do this but you I feel I gotten to know you.” On April 28, 2019 PHILLIPS states “I just want to look at you” then asks “Are you going to masterbate tonight”.
15. Other messages in the Facebook records show that PHILLIPS told MINOR A that he served time for murder, namely, the shooting of a rival gang member. MINOR A indicated that she had issues with her family and PHILLIPS responded: “If you run away let me know we can take this show on the road I need a partner in crime.” PHILLIPS also told MINOR A that she should come his way and that it won’t cost her anything. On April 23, 2019, PHILLIPS sent MINOR A a photo of several twenty dollar bills and a message that read: “Plane ticket money I’m saving it for you.”

CONCLUSION

16. Based upon the information set forth above, I submit that there is probable cause to believe that on or about April 23, 2019, JABARIE PHILLIPS, a/k/a Jabarie Lindsey, did employ, use, persuade, induce, entice, and coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, knowing that such visual depiction will be transported and transmitted using any means and facility of interstate and foreign commerce, and attempted to do so, all in violation of 18 U.S.C. §§ 2251(a) and (e).



Bryce Montoya
Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME ON MAY 29, 2019.



HONORABLE DONALD L. CABELL
UNITED STATES MAGISTRATE JUDGE

